



United States Mission to the OSCE

Statement on International Humanitarian Law

As delivered by Ambassador Larry Napper, Head of Delegation
to the Human Dimension Implementation Meeting, Warsaw
October 8, 2004

Mr. Moderator:

As we recall the shared conviction of all OSCE states on the need to ensure humanitarian protection during periods of armed conflict, we are compelled to note that our television screens and the Internet again this morning carry horrific pictures of terrorist attacks. Once again, we see clearly that our adversaries in the war on terror have made it a central element of their strategy to engage in acts such as the beheading of a helpless hostage on television and bombing of a hotel full of innocent tourists.

Mr. Moderator, I would like to devote part of my time to invite all delegates to join the delegation of the United States of America in a moment of silence in solidarity with today's victims of terror. Thank you.

In the 1990 Copenhagen Document, OSCE participating States "express[ed] their conviction that the protection and promotion of human rights and fundamental freedoms is one of the basic purposes of government, and reaffirm[ed] that the recognition of these rights and freedoms constitutes the foundation of freedom, justice, and peace." The 1992 Helsinki Document gave force to our shared conviction on the need to ensure humanitarian protection during periods of armed conflict in providing that participating States "will in all circumstances respect and ensure respect for international humanitarian law including the protection of the civilian population." In the 1994 Code of Conduct, each OSCE participating State resolved to ensure that its armed forces would be "commanded, manned, trained and equipped" in a manner consistent with international law, including, as applicable, the Hague Conventions of 1907 and 1954, the Geneva Conventions of 1949, and the 1980 Convention on the Use of Certain Conventional Weapons.

The United States delegation continues to believe that the conflict in Chechnya poses one of the greatest challenges in the OSCE's human dimension. However, we will not elaborate on our position on Chechnya, which is well known.

Instead, we would like to use this opportunity to state that when a country is engaged in military operations, it must comply with its obligations under international law, including the law of war. In implementing our commitment to the 1992 Helsinki Document and 1994 Code of Conduct, we reiterate the critical need to ensure the protection of civilian populations, and note in particular that Common Article 3 of the Geneva Conventions of 1949 provides that, in the context of internal armed conflict, each Party to the conflict is prohibited, with respect to protected persons, from engaging in violence to life and persons, cruel treatment, torture, the taking of hostages, and the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

Mr. Moderator, we wish to recall that all OSCE participating States are obligated to instruct their armed forces in the law of war. If abuses occur, States must investigate promptly and hold those responsible accountable for their acts. As you have heard from Deputy Assistant Secretary of Defense Waxman, we are doing exactly that – uncovering the truth and holding people accountable. We urge all other OSCE participating States to do so as well.

President's Statement on the U.N. International Day in Support of Victims of Torture

United Nations International Day in Support of Victims of Torture

Today, on United Nations International Day in Support of Victims of Torture, the United States reaffirms its commitment to the worldwide elimination of torture. The non-negotiable demands of human dignity must be protected without reference to race, gender, creed, or nationality. Freedom from torture is an inalienable human right, and we are committed to building a world where human rights are respected and protected by the rule of law.

To help fulfill this commitment, the United States has joined 135 other nations in ratifying the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. America stands against and will not tolerate torture. We will investigate and prosecute all acts of torture and undertake to prevent other cruel and unusual punishment in all territory under our jurisdiction. American personnel are required to comply with all U.S. laws, including the United States Constitution, Federal statutes, including statutes prohibiting torture, and our treaty obligations with respect to the treatment of all detainees.

The United States also remains steadfastly committed to upholding the Geneva Conventions, which have been the bedrock of protection in armed conflict for more than 50 years. These Conventions provide important protections designed to reduce human suffering in armed conflict. We expect other nations to treat our service members and civilians in accordance with the Geneva Conventions. Our Armed Forces are committed to complying with them and to holding accountable those in our military who do not.

The American people were horrified by the abuse of detainees at Abu Ghraib prison in Iraq. These acts were wrong. They were inconsistent with our policies and our values as a Nation. I have directed a full accounting for the abuse of the Abu Ghraib detainees, and investigations are underway to review detention operations in Iraq and elsewhere.

It is often American men and women in uniform who fight for the freedom of others from tyrannical regimes that routinely use torture to oppress their citizens. From Nazi Germany to Bosnia, and Afghanistan to Iraq, American service members have fought to remove brutal leaders who torture and massacre. It is the American people and their contributions that have helped to rebuild these traumatized nations to give former victims hope.

A little over a year ago, American service members and our coalition partners freed the Iraqi people from a dictatorship that routinely tortured and executed innocent citizens because of what they believed in or what ethnic or religious group they came from. In torture chambers, innocent Iraqis were brutalized and the bodies of the dead left in mass graves. Throughout the past year, Americans have assisted the Iraqi people in establishing institutions to ensure accountability so that such acts do not occur again and to help victims recover.

Despite international efforts to protect human rights around the world, repressive regimes continue to victimize people through torture. The victims often feel forgotten, but we will not forget them. America supports accountability and treatment centers for torture victims. We contribute to the U.N. Fund for the Victims of Torture and support the work of non-governmental organizations to end torture and assist the victims. We also provide protection, counseling, and where necessary and possible, relocation in the United States. We stand with the victims to seek their healing and recovery, and urge all nations to join us in these efforts to restore the dignity of every person affected by torture.

These times of increasing terror challenge the world. Terror organizations challenge our comfort and our principles. The United States will continue to take seriously the need to question terrorists who have information that can save lives. But we will not compromise the rule of law or the values and principles that make us strong. Torture is wrong no matter where it occurs, and the United States will continue to lead the fight to eliminate it everywhere.